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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY _____
DEPUTY

**BANK ONE, NATIONAL
ASSOCIATION, f/k/a FIRST
NATIONAL BANK OF CHICAGO, AS
TRUSTEE,**

Plaintiff,

V.

CASE NO. A-06-CA-494-SS

**CHRISTOPHER MICHAEL AND ALL
OTHER OCCUPANTS OF 23606
HILLVIEW CIRCLE, MARBLE FALLS,
TEXAS 78654,**

Defendants.

**BANK ONE, N.A.'S UNOPPOSED MOTION TO SUBSTITUTE
COUNSEL AND FOR EXTENSION OF TIME TO FILE JOINT PROPOSED
SCHEDULING ORDER AND JOINT DISCOVERY CONTROL PLAN**

TO THE HONORABLE JUDGE OF SAID COURT:

Bank One, National Association, f/k/a The First National Bank of Chicago, as Trustee (“Bank One, N.A.”), files this Unopposed Motion to Substitute Counsel and for Extension of Time to File Joint Proposed Scheduling Order and Joint Discovery Control Plan and respectfully shows the Court as follows:

I. MOTION TO SUBSTITUTE COUNSEL

1. Bank One, N.A. is currently represented by Diana Estala Stevens and David Aaron DeSoto of Mann & Stevens, P.C., 550 Westcott Street, Suite 560, Houston, TX 77007.
2. Bank One, N.A. has recently decided to substitute the following attorneys as counsel in this matter:

**BANK ONE, N.A.'S UNOPPOSED MOTION TO SUBSTITUTE
COUNSEL AND FOR EXTENSION OF TIME TO FILE JOINT PROPOSED
SCHEDULING ORDER AND JOINT DISCOVERY CONTROL PLAN**

Robert T. Mowrey
Texas Bar No. 14607500
C. Don Clayton
Texas Bar No. 24027932
LOCKE LIDDELL & SAPP LLP
2200 Ross Avenue, Suite 2200
Dallas, Texas 75201-6776
(214) 740-8000 (telephone)
(214) 740-8800 (facsimile).

3. Therefore, good cause exists for this Court to grant this Motion and to permit Ms. Stevens and Mr. DeSoto and the law firm of Mann & Steves, P.C. to withdraw as counsel in this matter.

4. Bank One, N.A. approves of this substitution and indeed has requested it, and Ms. Stevens, Mr. DeSoto and Bank One, N.A.'s new counsel represent to this Court that the granting of this Motion will not delay these proceedings.

5. Bank One, N.A. has conferred with opposing counsel in this matter and they have lodged no objection to this Motion.

II. MOTION FOR EXTENSION OF TIME

1. The Court's Order of July 13, 2006 provides that the parties must confer and submit a proposed scheduling order and discovery control plan for the Court's consideration by August 28, 2006 and August 21, 2006, respectively.

2. Subsequent to the Court's July 13 Order, Defendants, who were previously pro se, retained counsel to represent them in this matter. However, it appears that their new counsel, Andrea S. Atalay, is not admitted to practice before this Court. Ms. Atalay's office advised counsel for Bank One, N.A. that she was recently involved in a car accident and, thus, has been unable to confer regarding the proposed scheduling order and discovery control plan.

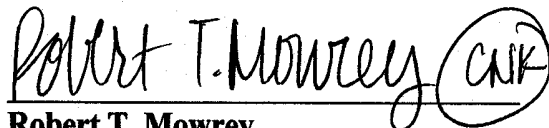
3. Also after the Court's July 13 Order, Bank One, N.A. decided to substitute counsel to the law firm of Locke Liddell & Sapp LLP, as set forth herein.

4. In order to provide the parties and their new counsel adequate time to assess this matter (including whether Ms. Atalay will continue to represent Defendants), determine the appropriate deadlines and hold the required scheduling conferences, Bank One, N.A. respectfully requests that the Court extend the parties' deadlines to submit a proposed scheduling order and discovery control plan until September 25, 2006.

5. This Motion is made for good cause and will not delay this matter.

WHEREFORE, Bank One, National Association, f/k/a The First National Bank of Chicago, as Trustee respectfully requests that the Court grant these Motions, permit the substitution as requested herein and extend the parties' deadlines to submit a proposed scheduling order and discovery control plan until September 25, 2006. Bank One, N.A. further requests all other relief to which it may be entitled.

Respectfully submitted,



Robert T. Mowrey

Texas Bar No. 14607500

C. Don Clayton

Texas Bar No. 24027932

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ATTORNEYS FOR PLAINTIFF



Diana Estala Stevens

Texas Bar No. 19180800

David Aaron DeSoto

Texas Bar No. 00790585

MANN & STEVENS, P.C.

550 Westcott Street, Suite 560


Houston, Texas 77007

(713) 293-3600

(713) 293-3636 (facsimile)

CERTIFICATE OF CONFERENCE

Counsel for Bank One, N.A. conferred with Andrea Atalay, counsel for Defendants, on August 28th, 2006, and she has no objection to the granting of the relief requested.

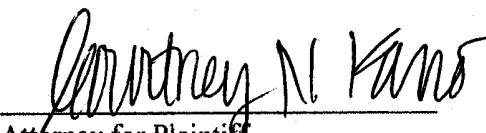


Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify on this 29th day of August 2006 that a true and correct copy of the above and the foregoing has been provided to the following counsel of record via certified mail return receipt requested and/or via facsimile.

Andrea S. Atalay
10804 Ridgeway, Suite 220
Jonestown, Texas 78645



Attorney for Plaintiff

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IT IS FURTHER ORDERED that all communications be sent to Robert T. Mowery at the address set forth above.

IT IS FURTHER ORDERED that the parties confer and submit a proposed scheduling order and discovery control plan for the Court's consideration by **September 25, 2006**.

SIGNED this _____, 2006.

UNITED STATES DISTRICT JUDGE